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UNITED STATES OF AMERICA

UNITED STATES DISTRICT COURT

FOR THE CENTRAL DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

Plaintiff,

v.

Esteban ARTEAGA OCHOA

Defendant.

No. CR 25-00174-SVW

PLEA AGREEMENT FOR DEFENDANT
ESTEBAN ARTEAGA OCHOA

1. This constitutes the plea agreement between ESTEBAN ARTEAGA OCHOA ("defendant") and the United States Attorney's Office for the Central District of California (the "USAO") in the above-captioned case. This agreement is limited to the USAO and cannot bind any other federal, state, local, or foreign prosecuting, enforcement, administrative, or regulatory authorities.

DEFENDANT'S OBLIGATIONS

2. Defendant agrees to:

a) Give up the right to indictment by a grand jury and, at the earliest opportunity requested by the USAO and provided by

1 the Court, appear and plead guilty to a one-count information, in
2 the form attached to this agreement as Exhibit A or a substantially
3 similar form, that charges defendant with being an illegal alien
4 found in the United States following deportation or removal in
5 violation of 8 U.S.C. § 1326(a).

6 b) Not contest facts agreed to in this agreement.

7 c) Abide by all agreements regarding sentencing
8 contained in this agreement.

9 d) Appear for all court appearances, surrender as
10 ordered for service of sentence, obey all conditions of any bond,
11 and obey any other ongoing court order in this matter.

12 e) Not commit any crime; however, offenses that would be
13 excluded for sentencing purposes under United States Sentencing
14 Guidelines ("USSG" or "Sentencing Guidelines") § 4A1.2(c) are not
15 within the scope of this agreement.

16 f) Be truthful at all times with the United States
17 Probation and Pretrial Services Office and the Court.

18 g) Pay the applicable special assessment at or before
19 the time of sentencing unless defendant has demonstrated a lack of
20 ability to pay such assessment.

21 THE USAO'S OBLIGATIONS

22 3. The USAO agrees to:

23 a) Not contest facts agreed to in this agreement.

24 b) Abide by all agreements regarding sentencing
25 contained in this agreement and recommend that defendant be
26 sentenced to a term of imprisonment at the low end of the applicable
27 Sentencing Guidelines range corresponding to the Total Offense Level
28 the parties have agreed to in paragraph 11 and the Criminal History

1 Category determined by the Court.

2 NATURE OF THE OFFENSE

3 4. Defendant understands that for defendant to be guilty of
4 the crime charged in the one-count information, a violation of 8
5 U.S.C. § 1326(a), the following must be true: (1) defendant was
6 lawfully deported or removed from the United States; (2) after
7 defendant's deportation or removal, defendant voluntarily entered
8 the United States; (3) after defendant entered the United States,
9 defendant knew that defendant was in the United States and knowingly
10 remained; (4) defendant was found in the United States without
11 having obtained consent to reapply for admission into the United
12 States from the Attorney General or the Secretary of the Department
13 of Homeland Security, or any authorized representative of either
14 official; (5) defendant was, at the time of the offense, an alien,
15 that is, a person who is not a natural-born or naturalized citizen,
16 or a national, of the United States; and (6) defendant was free from
17 official restraint at the time he or she entered the United States.
18 Defendant was free from official restraint, unless defendant was
19 under constant governmental observation from the moment defendant
20 set foot in this country until the moment of defendant's arrest.

21 In order for defendant to be subject to the heightened
22 statutory maximum penalties under 8 U.S.C. § 1326(b)(1), defendant's
23 deportation or removal must have occurred after defendant was
24 convicted of a felony, namely, the felony described in paragraph 9
25 below.

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PENALTIES

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2 5. The statutory maximum sentence that the Court can impose
3 for a violation of 8 U.S.C. § 1326(a) is: 2 years' imprisonment; a
4 one-year period of supervised release; a fine of \$250,000; and a
5 mandatory special assessment of \$100.

6 The statutory maximum sentence that the Court can impose for a
7 violation of 8 U.S.C. § 1326(a), where the heightened statutory
8 maximum penalties under 8 U.S.C. § 1326(b)(1) apply, is: 10 years'
9 imprisonment; a three-year period of supervised release; a fine of
10 \$250,000; and a mandatory special assessment of \$100.]

11 6. Defendant understands that supervised release is a period
12 of time following imprisonment during which defendant will be
13 subject to various restrictions and requirements. Defendant agrees
14 that the imposition of supervised release is warranted in this case,
15 as authorized under USSG § 5D1.1, cmt. n.5. Defendant understands
16 that if defendant violates one or more of the conditions of any
17 supervised release imposed, defendant may be returned to prison for
18 all or part of the term of supervised release authorized by statute
19 for the offense that resulted in the term of supervised release,
20 which could result in defendant serving a total term of imprisonment
21 greater than the statutory maximum stated above.

22 7. Defendant understands that the conviction in this case may
23 result in defendant giving up valuable government benefits and civic
24 rights and may also subject defendant to various other collateral
25 consequences, including but not limited to revocation of probation,
26 parole, or supervised release in another case and suspension or
27 revocation of a professional license. Defendant understands that
28 unanticipated collateral consequences will not serve as grounds to

1 withdraw defendant's guilty plea.

2 8. Defendant and his counsel have discussed the fact that,
3 and defendant understands that, because defendant is not a United
4 States citizen, the conviction in this case makes it practically
5 inevitable and a virtual certainty that defendant will be removed or
6 deported from the United States. Defendant may also be denied
7 United States citizenship and admission to the United States in the
8 future. Defendant understands that while there may be arguments
9 that defendant can raise in immigration proceedings to avoid or
10 delay removal, removal is presumptively mandatory and a virtual
11 certainty in this case. Defendant further understands that removal
12 and immigration consequences are the subject of a separate
13 proceeding and that no one, including his attorney or the Court, can
14 predict to an absolute certainty the effect of his conviction on his
15 immigration status. Defendant nevertheless affirms that he wants to
16 plead guilty regardless of any immigration consequences that his
17 plea may entail, even if the consequence is automatic removal from
18 the United States.

19 FACTUAL BASIS

20 9. Defendant admits that defendant is, in fact, guilty of
21 violating 8 U.S.C. § 1326(a) as described in the information and
22 that he is subject to the heightened statutory maximum penalties
23 under 8 U.S.C. § 1326(b)(1), as set forth above. Defendant and the
24 USAO agree to the statement of facts provided below and agree that
25 this statement of facts is sufficient to support a plea of guilty to
26 the charge described in this agreement and to establish the
27 Sentencing Guidelines factors set forth in paragraph 11 below but is
28 not meant to be a complete recitation of all facts relevant to the

1 underlying criminal conduct or all facts known to either party that
2 relate to that conduct.

3 Defendant, a citizen of Mexico was at all times relevant to
4 this plea agreement an alien, that is, not a natural-born or
5 naturalized citizen, or national, of the United States. Defendant
6 was lawfully deported or removed from the United States on or about
7 April 30, 2013. Subsequent to defendant's April 30, 2013
8 deportation or removal, defendant knowingly and voluntarily re-
9 entered and thereafter remained in the United States. Defendant did
10 so without the consent of the Attorney General or his designated
11 successor, the Secretary of the Department of Homeland Security, or
12 of any authorized representative of either the Attorney General or
13 that Department, to reapply for admission or to otherwise re-enter
14 and remain in the United States. After defendant re-entered and
15 remained in the United States, on or about October 11, 2024,
16 immigration authorities found defendant in Los Angeles County,
17 within the Central District of California. Defendant was found by
18 immigration authorities after he had physically crossed the border
19 of the United States.

20 On or about April 9, 2013, defendant was convicted of
21 Sale/Offer to Sell/Transportation of a Controlled Substance, a
22 felony, in violation of California Health and Safety Code Section
23 11379(a), in the Superior Court of the State of California, County
24 of Los Angeles, case number VA127469 for which the sentence imposed
25 was 120 days' imprisonment.

26 SENTENCING FACTORS

27 10. Defendant understands that in determining defendant's
28 sentence the Court is required to calculate the applicable

Sentencing Guidelines range and to consider that range, possible departures under the Sentencing Guidelines, and the other sentencing factors set forth in 18 U.S.C. § 3553(a). Defendant understands that the Sentencing Guidelines are advisory only, that defendant cannot have any expectation of receiving a sentence within the calculated Sentencing Guidelines range, and that after considering the Sentencing Guidelines and the other § 3553(a) factors, the Court will be free to exercise its discretion to impose any sentence it finds appropriate up to the maximum set by statute for the crime of conviction.

11. Defendant and the USAO agree to the following applicable Sentencing Guidelines factors:

Base Offense Level: 8 USSG §2L1.2(a)

Base Offense Level and Description	Associated Guideline Enhancement	Associated Guideline Reference
Acceptance of Responsibility	-2	USSG §3E1.1(_a_)
Early Disposition Program Departure	-4	USSG §5K3.1

Total Offense Level: 2

Defendant and the USAO further agree that, if defendant's Criminal History Category is Criminal History Category VI, the Early Disposition Program Departure shall be only 2 levels (rather than the 4 specified above).

12. Defendant may request or recommend additional downward adjustments, departures, or variances from the Sentencing Guidelines under 18 U.S.C. § 3553. The government will oppose any downward

1 adjustments, departures, or variances not set forth in this plea
2 agreement.

3 13. Defendant understands that there is no agreement as to
4 defendant's criminal history or Criminal History Category.

5 14. Defendant and the USAO agree that a three-year period of
6 supervised release to follow release from imprisonment.

7 15. The parties also agree that no prior imprisonment (other
8 than credits that the Bureau of Prisons may allow under 18 U.S.C.
9 § 3585(b)) may be credited against this stipulated sentence,
10 including credit under Sentencing Guideline § 5G1.3. Defendant
11 represents, and the USAO does not contest, that defendant does not
12 have the ability to pay a fine.

13 16. The parties agree to request that defendant be sentenced
14 as soon as possible following the entry of defendant's guilty plea.
15 The parties stipulate and agree that, with the exception of
16 defendant's criminal history, there is sufficient information in the
17 record to enable the Court to exercise its sentencing authority
18 meaningfully without a presentence investigation or report. The
19 parties agree to request that the United States Probation and
20 Pretrial Services Office prepare a presentence report that is
21 limited to defendant's criminal history only. To the extent
22 defendant has a right to a presentence investigation and preparation
23 of a presentence report relating to anything other than defendant's
24 criminal history, defendant hereby knowingly, voluntarily, and
25 intelligently waives that right. The parties agree to request that
26 the Court find, pursuant to Federal Rule of Criminal Procedure
27 32(c)(1), that the information in the record, coupled with a
28 presentence report limited to defendant's criminal history, is

1 sufficient to enable the Court to exercise its sentencing authority
2 meaningfully without a more complete presentence investigation and
3 report. The parties understand and agree that, in the event that
4 the Court declines to make this finding and instead orders that a
5 more complete presentence investigation be conducted and/or a more
6 complete presentence report prepared, such action shall have no
7 effect on the validity of this agreement or any of its terms or
8 conditions and shall not provide a basis for either party to
9 withdraw from the plea agreement.

10 WAIVER OF CONSTITUTIONAL RIGHTS

11 17. Defendant understands that by pleading guilty, defendant
12 gives up the following rights:

- 13 a) The right to persist in a plea of not guilty.
14 b) The right to a speedy and public trial by jury.
15 c) The right to be represented by counsel - and if
16 necessary have the Court appoint counsel - at trial. Defendant
17 understands, however, that, defendant retains the right to be
18 represented by counsel - and if necessary have the Court appoint
19 counsel - at every other stage of the proceeding.
20 d) The right to be presumed innocent and to have the
21 burden of proof placed on the government to prove defendant guilty
22 beyond a reasonable doubt.
23 e) The right to confront and cross-examine witnesses
24 against defendant.
25 f) The right to testify and to present evidence in
26 opposition to the charges, including the right to compel the
27 attendance of witnesses to testify.

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1 g) The right not to be compelled to testify, and, if
2 defendant chose not to testify or present evidence, to have that
3 choice not be used against defendant.

4 h) Any and all rights to pursue any affirmative
5 defenses, Fourth Amendment or Fifth Amendment claims, and other
6 pretrial motions that have been filed or could be filed.

7 WAIVER OF APPEAL OF CONVICTION

8 18. Defendant understands that, with the exception of an
9 appeal based on a claim that defendant's guilty plea was
10 involuntary, by pleading guilty defendant is waiving and giving up
11 any right to appeal defendant's conviction on the offense to which
12 defendant is pleading guilty. Defendant understands that this
13 waiver includes, but is not limited to, arguments that the statute
14 to which defendant is pleading guilty is unconstitutional, and any
15 and all claims that the statement of facts provided herein is
16 insufficient to support defendant's plea of guilty.

17 LIMITED MUTUAL WAIVER OF APPEAL OF SENTENCE

18 19. Defendant gives up the right to appeal all of the
19 following: (a) the term of imprisonment imposed by the Court,
20 provided it is within the statutory maximum and within the
21 applicable Sentencing Guidelines range corresponding to the Total
22 Offense Level the parties have agreed to in paragraph 11 and the
23 Criminal History Category determined by the Court; (b) any fine
24 imposed by the Court, provided it is within the statutory maximum;
25 (c) the term of probation or supervised release imposed by the
26 Court, provided it is within the statutory maximum; and (d) any of
27 the following conditions of probation or supervised release imposed
28 by the Court: the conditions set forth in Second Amended General

1 Order 20-04 of this Court.

2 20. Defendant also gives up any right to bring a post-
3 conviction collateral attack on the conviction or sentence, except a
4 post-conviction collateral attack based on a claim of ineffective
5 assistance of counsel.

6 21. The USAO agrees that, provided the Court imposes the
7 sentence specified within the applicable Sentencing Guidelines range
8 corresponding to the Total Offense Level the parties have agreed to
9 in paragraph 11 and the Criminal History Category determined by the
10 Court, the USAO gives up its right to appeal any portion of that
11 sentence.

12 RESULT OF WITHDRAWAL OF GUILTY PLEA

13 22. Defendant agrees that if, after entering a guilty plea
14 pursuant to this agreement, defendant seeks to withdraw and succeeds
15 in withdrawing defendant's guilty plea on any basis other than a
16 claim and finding that entry into this plea agreement was
17 involuntary, then the USAO will be relieved of all of its
18 obligations under this agreement.

19 EFFECTIVE DATE OF AGREEMENT

20 23. This agreement is effective upon signature and execution
21 of all required certifications by defendant, defendant's counsel,
22 and an Assistant United States Attorney.

23 BREACH OF AGREEMENT

24 24. Defendant agrees that if defendant, at any time after the
25 signature of this agreement and execution of all required
26 certifications by defendant, defendant's counsel, and an Assistant
27 United States Attorney, knowingly violates or fails to perform any
28 of defendant's obligations under this agreement ("a breach"), the

1 USAO may declare this agreement breached. All of defendant's
2 obligations are material, a single breach of this agreement is
3 sufficient for the USAO to declare a breach, and defendant shall not
4 be deemed to have cured a breach without the express agreement of
5 the USAO in writing. If the USAO declares this agreement breached,
6 and the Court finds such a breach to have occurred, then: (a) if
7 defendant has previously entered a guilty plea pursuant to this
8 agreement, defendant will not be able to withdraw the guilty plea,
9 (b) the USAO will be relieved of all its obligations under this
10 agreement, and (c) the Court's failure to follow any recommendation
11 or request regarding sentence set forth in this agreement will not
12 provide a basis for defendant to withdraw defendant's guilty plea.

13 COURT AND UNITED STATES PROBATION AND PRETRIAL SERVICES

14 OFFICE NOT PARTIES

15 25. Defendant understands that the Court and the United States
16 Probation and Pretrial Services Office are not parties to this
17 agreement and need not accept any of the USAO's sentencing
18 recommendations or the parties' agreements to facts, sentencing
19 factors, or sentencing. Defendant understands that the Court will
20 determine the facts, sentencing factors, and other considerations
21 relevant to sentencing and will decide for itself whether to accept
22 and agree to be bound by this agreement.

23 26. Defendant understands that both defendant and the USAO are
24 free to: (a) supplement the facts by supplying relevant information
25 to the United States Probation and Pretrial Services Office and the
26 Court, and (b) correct any and all factual misstatements relating to
27 the Court's Sentencing Guidelines calculations and determination of
28 sentence.

NO ADDITIONAL AGREEMENTS

27. Defendant understands that, except as set forth herein, there are no promises, understandings, or agreements between the USAO and defendant or defendant's attorney, and that no additional promise, understanding, or agreement may be entered into unless in a writing signed by all parties or on the record in court.

PLEA AGREEMENT PART OF THE GUILTY PLEA HEARING

28. The parties agree that this agreement will be considered part of the record of defendant's guilty plea hearing as if the entire agreement had been read into the record of the proceeding.

AGREED AND ACCEPTED

UNITED STATES ATTORNEY'S OFFICE
FOR THE CENTRAL DISTRICT OF CALIFORNIA

JOSEPH T. MCNALLY
Acting United States Attorney

ELIZABETH BISLAND
Special Assistant United States
Attorney

3/17/25
Date

ESTEBAN ARTEAGA OCHOA
Defendant

03/17/25
Date

~~IBOH UMUDO~~ SAMUEL CROSS
Deputy Federal Public Defender
Attorney for Defendant
ESTEBAN ARTEAGA OCHOA

3/17/25
Date

CERTIFICATION OF DEFENDANT

TO DEFENDANT AND COUNSEL: INITIAL THE TRUE STATEMENT AND CROSS
OUT THE OTHER:

1. This agreement has been read to me in Spanish, the
language I understand best. Defendant's initials: EA / Counsel's
initials: SC OR:

2. I am fluent in English and have carefully read this
agreement. Defendant's initials: _____ / Counsel's initials: _____

I have had enough time to review and consider this agreement,
and I have carefully and thoroughly discussed every part of it with
my attorney. I understand the terms of this agreement, and I
voluntarily agree to those terms. I have discussed the evidence
with my attorney, and my attorney has advised me of my rights, of
possible pretrial motions that might be filed, of possible defenses
that might be asserted either prior to or at trial, of the
sentencing factors set forth in 18 U.S.C. § 3553(a), of relevant
Sentencing Guidelines provisions, and of the consequences of
entering into this agreement. No promises, inducements, or
representations of any kind have been made to me other than those
contained in this agreement. No one has threatened or forced me in
any way to enter into this agreement. I am satisfied with the
representation of my attorney in this matter, and I am pleading
guilty because I am guilty of the charges and wish to take advantage
of the promises set forth in this agreement, and not for any other
reason.

ESTEBAN ARTEAGA OCHOA
Defendant

03/17/25
Date

CERTIFICATION OF INTERPRETER [IF APPLICABLE]

I, Carina Arriola, am fluent in the written and spoken English and Spanish languages. I accurately translated this entire agreement from English into Spanish to defendant ESTEBAN ARTEAGA OCHOA on this date.

[Signature]
INTERPRETER

3 / 17 / 2025
Date

CERTIFICATION OF DEFENDANT'S ATTORNEY

I am ESTEBAN ARTEAGA OCHOA's attorney. I have carefully and thoroughly discussed every part of this agreement with my client. Further, I have fully advised my client of his rights, of possible pretrial motions that might be filed, of possible defenses that might be asserted either prior to or at trial, of the sentencing factors set forth in 18 U.S.C. § 3553(a), of relevant Sentencing Guidelines provisions, and of the consequences of entering into this agreement. To my knowledge: no promises, inducements, or representations of any kind have been made to my client other than those contained in this agreement; no one has threatened or forced my client in any way to enter into this agreement; my client's decision to enter into this agreement is an informed and voluntary one; and the factual basis set forth in this agreement is sufficient to support my client's entry of a guilty plea pursuant to this agreement.

[Signature]
~~IBOH-UMUDO~~ SAMUEL CROSS
Deputy Federal Public Defender
Attorney for Defendant
Esteban ARTEAGA OCHOA

3 / 17 / 25
Date